

### THE GOVERNANCE OF ILLICIT SYNTHETIC DRUGS.

#### NDLERF MONOGRAPH No. 9

**Cherney, O'Reilly & Grabosky (2005).**

Plain English summary and implications for police prepared by Roger Nicholas.

#### Methodology

The researchers initially undertook a review of relevant databases and literature concerning law enforcement agencies harnessing external institutions to assist in the reduction of the supply of illicit synthetic drugs. The researchers also contacted national and international law enforcement authorities to map any initiatives that could be relevant to the project. Based on this preliminary work, site visits were made to Singapore, Bangkok, London, Amsterdam, Washington, St Louis, San Diego, and Los Angeles. The research primarily focussed on strategies to reduce the supply of amphetamine-type substances (ATS) and ecstasy (MDMA).

#### Key findings:

- Throughout the lifecycle of illicit synthetic drugs, there are a number of individuals or institutions that are in a position to reduce supply, which presents law enforcement with opportunities to influence these stakeholders.
- ATS are the most commonly seized drugs worldwide after cannabis, and the trafficking of ATS has increased and become more diversified.
- The manufacture of these drugs requires materials and equipment that are all legitimately available and tradeable goods. One of the most promising approaches to supply reduction is for law enforcement to identify opportunities within licit environments that facilitate illegal activity. Reducing the supply of illicit synthetic drugs cannot be based on a strict law enforcement framework (e.g. interdiction and border controls).
- Illicit synthetic drugs have a double supply-side system. Specifically, there is diversion from legitimate pharmaceutical and chemical industries, and illicit production.
- Preventing the diversion of chemicals and equipment into the manufacture of illicit synthetic drugs is aimed at reducing 'access points' within licit markets and impacting on 'key factors of production' that determine levels of supply.
- There are already a range of national and international initiatives in this area including the *National Working Party on the Diversion of Precursor Chemicals*, jurisdictional chemical diversion desks and Project Prism (the international program to prevent precursor diversion).
- Criminals have the capacity to move from one precursor to another in response to regulatory and law enforcement pressure.
- Chemical diversion control can have adverse impacts on legitimate commerce, such as chemical manufacturers and retail pharmacists.
- The engagement by law enforcement, of third parties to interrupt the supply of illicit synthetic

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drugs can be achieved by: (1) conscription; (2) required record keeping and disclosure; (3) conferring entitlements [the development of new entitlements or the use of existing ones to induce or persuade third parties to take some form of action]; (4) enlisting particular professions to detect illegal activity being carried out by their clients; (5) forging cooperation with the public and private sectors through formal or informal agreements; (6) providing incentives and facilitating cooperation through rewards; (7) contracting out work to external agencies rather than trying to do the required work in-house; (8) delegation or deference to private parties (leaving the task of developing and enforcing rules and codes of conduct, to private interests).

- From the case studies examined by the researchers, it is possible to identify a number of principles of best practice in this area. These are: (1) the need for dedicated personnel; (2) the need to clarify expectations and the role of partners and what the returns to them will be; (3) identifying and paying attention to the key 'access points' or points of the supply chain which are susceptible to exploitation; (4) building capacity in other law enforcement institutions and external institutions by providing education, resources and assistance; (5) using a combination of programs [rather than just one approach]; (6) tackling the availability of equipment (glassware/machinery) and infrastructure (technology/containers/transport).
- There is a need for the law enforcement sector to invest more in the area of evaluation and cost-benefit analysis of these measures.

## **Implications for police**

The law enforcement activities that are required to control the supply of synthetic illicit drugs are very different from those which are required to control naturally occurring substances such as heroin. This is because naturally occurring substances have a far more clearly defined supply chain in which a substance is produced in one site, refined and then on sold perhaps in other countries. In addition, the drug itself is easily identified as being an illegal substance for the entire length of its supply chain.

The supply chain for illicit synthetic drugs on the other hand, can involve precursor chemicals and equipment coming from a variety of sources. In addition, the chemicals required are not necessarily proscribed until they are mixed together to form the illegal substance.

All of these factors mean that different law enforcement approaches are required. These approaches are perhaps more akin to a community policing model (albeit with varying degrees of coercion) than to approaches which rely on interdiction and criminal investigation.

As is evident, Australia has gone to considerable lengths to engage the pharmaceutical, chemical supply and chemical equipment industries in reducing the supply of the precursors and equipment necessary to produce illicit synthetic drugs. There is little doubt that this effort will be necessary well into the future as criminals adapt their methods of production in response to regulatory and law enforcement efforts. Nevertheless, there may be further opportunities to refine these efforts in light of the frameworks outlined in this report.

Also important in this regard are efforts to determine which of these approaches (or combinations of approaches) lead to the most positive outcomes. To this end there may be benefits in law enforcement investing in the evaluation of their methodologies.

A full copy of this report is available on the NDLERF website at [www.ndlerf.gov.au](http://www.ndlerf.gov.au)

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